

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:)	CASE NO. BK10-82442-TLS
)	
WILLIAM EDWARD JULIEN,)	CH. 11
)	
Debtor.)	
MIDWEST RENEWABLE ENERGY, LLC,)	ADV. NO. A11-8014-TLS
)	
Plaintiff,)	
)	
vs.)	
)	
WILLIAM EDWARD JULIEN,)	
)	
Defendant.)	
JAMES JANDRAIN, RICHARD JANDRAIN,)	ADV. NO. A11-8015-TLS
MICHAEL TORTI, JENNIFER TORTI,)	
MICHAEL SCHILMOELLER, SARRI)	
WILLIAMS, CHARLES CLATTERBUCK,)	
ROBERT CLATTERBUCK, BRENT)	
CLATTERBUCK, PAUL KRAMER, and)	
JAMES WILLIAMS,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
WILLIAM EDWARD JULIEN,)	ORDER OF RECUSAL
)	AND
Defendant and)	<u>REPORT AND RECOMMENDATION</u>
Counterclaimant,)	
)	
vs.)	
)	
MICHAEL TORTI, JENNIFER TORTI,)	
MICHAEL SCHILMOELLER, SARRI)	
WILLIAMS, CHARLES CLATTERBUCK,)	
ROBERT CLATTERBUCK, BRENT)	
CLATTERBUCK, PAUL KRAMER,)	
JAMES JANDRAIN, RICHARD JANDRAIN,)	
and JAMES WILLIAMS,)	
)	
Counter-Defendants.)	

These adversary proceedings are before this court on the Joint Preliminary Pretrial Statements filed by the parties. In adversary proceeding A11-8015, James Jandrain, together with several other individuals, is a plaintiff. In adversary proceeding A11-8014, Midwest Renewable Energy, LLC is the plaintiff, and James Jandrain apparently owns an interest in Midwest Renewable Energy, LLC.

Prior to my appointment to the bankruptcy bench, I was a shareholder in the Omaha law firm of Fitzgerald, Schorr, Barmettler & Brennan, P.C., L.L.O. Mr. Jandrain was a CPA and a client of that firm (as well as other plaintiffs may possibly have been). In 2002, I acquired an interest in a limited liability company along with two other individuals. Mr. Jandrain provided the initial tax advice to the limited liability company and its members, and prepared its tax returns for the tax years 2002 through 2005. Subsequently, Mr. Jandrain discontinued his private accounting practice and, since 2006, the accountant for the limited liability company has been John Troshynski. I still retain an ownership interest in the limited liability company. Further, it appears that Mr. Jandrain, Mr. Troshynski, and Mr. Strasheim all share the same or similar office address.

To be clear, the limited liability company in which I am involved is unrelated to any of the matters at issue in these cases. Further, I have no present business relationship with Mr. Jandrain, and have not had one since early 2006. I did not represent Mr. Jandrain in his capacity as a client of my former law firm, and I do not know whether any other member of my former law firm represented Mr. Jandrain in connection with any of the issues involved in these cases. However, due to my former law firm's prior representation of Mr. Jandrain and my prior business relationship with Mr. Jandrain, my involvement in the trial of this proceeding could raise the appearance of impropriety, which must be avoided. Canon 2, Code of Conduct for United States Judges. Further, a judge shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. Canon 3(C)(1), Code of Conduct for United States Judges.

THEREFORE, I hereby recuse myself from further participation in these two adversary proceedings. Since Judge Mahoney is scheduled to retire January 31, 2014, I respectfully request that the United States District Court for the District of Nebraska withdraw the reference of these two adversary proceedings to determine all claims, counterclaims, and cross-claims raised therein. After withdrawal of the reference by the United States District Court, the parties shall file periodic status reports with the bankruptcy court advising as to the status of the adversary proceedings. The first such status report shall be filed June 1, 2014, and on the first day of every third month thereafter.

DATE: November 27, 2013.

BY THE COURT:

/s/ Thomas L. Saladino
Chief Judge

Notice given by the Court to:
Jerrold L. Strasheim
Kathryn J. Derr
United States Trustee